

REMARKS/ARGUMENTS

Prior to the entry of this Amendment, claims 1, 3-14, 16, 18-25, 27, 29-36 and 38-52 were pending in this application. No claims have been amended, no claims have been canceled, and no claims have been added herein. Therefore, claims 1, 3-14, 16, 18-25, 27, 29-36 and 38-52 remain pending in this application. Applicants request reconsideration of these claims for at least the reasons presented below.

35 U.S.C. § 102 Rejection, Guheen

Claims 1, 3-14, 16, 18-25, 27, 29-36 and 38-52 were previously rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent No. 6,519,571 to Guheen et al. (hereinafter "Guheen"). The Applicants respectfully submit the following arguments pointing out significant differences between claims 1, 3-14, 16, 18-25, 27, 29-36 and 38-52 under 35 submitted by the Applicant and Guheen.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully argues that Guheen fails to disclose each and every claimed element. For example, Guheen fails to disclose, either expressly or inherently, retrieving a workflow from a set of workflows for responding to a request for a certificate related action, e.g., enrollment, renewal, or revocation. Guheen also fails to disclose wherein the workflow corresponds to the certificate related action and a set of characteristics for a user.

Guheen is directed to "utilizing a user profile to customize an interface." (Col. 1, line 8-9) More specifically, Guheen describes "utilizing various types of user indicia such as search requests, products purchased, products looked at but not purchased, products purchased

and returned, reasons for returning products, customers stated profile including income level, education level, stated profession, etc. for the purpose of customizing a user interface." (Col. 2, lines 6-12) However, Guheen does not relate to or disclose retrieving a workflow from a set of workflows for responding to a request for a certificate related action, e.g., enrollment, renewal, or revocation. Guheen also fails to disclose wherein the workflow corresponds to the certificate related action and a set of characteristics for a user. In fact, Guheen does not seem to describe certificate management in any substantive manner. Rather, Guheen mentions certificates only in passing. For example, Guheen mentions at col. 73, lines 59-64 that a Public Key Infrastructure (PKI) can be used to manage keys and certificates. This portion of Guheen states in total:

"Public key infrastructure--provides public-key encryption and digital signature services. The purpose of a public-key infrastructure is to manage keys and certificates. A PKI enables the use of encryption, digital signatures, and authentication services across a wide variety of applications."

Guheen also mentions at col. 256, lines 40-43 that "the services component . . . manages client certificates used for user authentication." However, Guheen does not describe such management processes. That is, Guheen's description of certificate management does not disclose, expressly or inherently, retrieving a workflow from a set of workflows, wherein the workflow corresponds to a certificate related action, e.g., enrollment, renewal, or revocation, and a set of characteristics for a user.

In response to these arguments, the final Office Action begins by "drawing attention to paragraphs 502-514." (final Office Action page 2) The Applicants believe this reference to refer to the portion of Guheen titled "Workflow Management" beginning at col. 72, line 22 of the issued patent. This portion of Guheen, as noted by the final Office Action describes workflow management tools that "provid[e] the ability to define, manage, and execute automated business processes through an electronic representation of the process, both in terms of what has to be done, and by whom." (Col. 72, line 27-30) Guheen then goes on to note that "Workflow Management can be applied to many processes within the development environment,

such as quality assurance, migration, design/construction, system test, and standards development." (Col. 72, lines 39-42) However, conspicuously missing from this list of possible applications is any mention of certificate management.

The final Office Action goes on to cite the portions of Guheen cited and quoted above. For example, the final Office Action points to the section of Guheen entitled "Security Management" beginning at col. 73, line 18 and apparently relies upon the proximity of this section to the discussion of workflow management to argue that together these sections teach using workflows to manage certificates, i.e., retrieving a workflow from a set of workflows, wherein the workflow corresponds to a certificate related action, e.g., enrollment, renewal, or revocation, and a set of characteristics for a user. However, as noted above, while Guheen states that certificates can be managed, Guheen does not disclose a certificate management process, either using workflows or otherwise.

Therefore, the Applicants respectfully maintain that Guheen fails to disclose, either expressly or inherently, retrieving a workflow from a set of workflows for responding to a request for a certificate related action, e.g., enrollment, renewal, or revocation. Guheen also fails to disclose wherein the workflow corresponds to the certificate related action and a set of characteristics for a user. Rather, Guheen simply states that a Public Key Infrastructure can be used to provide public key encryption and certificate services and that the certificates issued thereby can be managed. However, Guheen fails to disclose how such management is performed.

Furthermore, while the argument presented by the final Office Action does not expressly argue that such teachings are inherent, the Applicants respectfully point out that inherency is a strict standard in which a reference must necessarily produce the proposed feature. Regarding this standard, MPEP §2112 states in part:

"The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); In re Oelrich, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" In re Robertson, 169 F. 3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). . . .

In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)." (Emphasis original)

The Applicants respectfully contend that Guheen does not necessarily produce the proposed feature, i.e., retrieving a workflow from a set of workflows, wherein the workflow corresponds to a certificate related action, e.g., enrollment, renewal, or revocation, and a set of characteristics for a user. Rather, the Applicants respectfully submit that the rationale that the workflow management tools of Guheen could or may be used to manage certificates is exactly the type of rationale defined as insufficient in the above quoted portion of MPEP§2112.

Claim 1, upon which claims 2-15 depend, claim 16, upon which claims 17-26 depend, and claim 27, upon which claims 28-37 depend, each recite in part "receiving at an Identity System a request for a certificate related action for a user wherein the certificate related action is selected from a group consisting of a certificate enrollment action, a certificate renewal action, and a certificate revocation action; retrieving by the Identity System a workflow for responding to said request from a set of workflows, wherein said set of workflows includes a plurality of workflows for responding to said certificate related action, wherein each workflow in said plurality of workflows corresponds to a different set of characteristics for a user, wherein

said workflow for responding to said request corresponds to said certificate related action and a set of characteristics for said user from an identity profile maintained by the Identity System, the set of characteristics including a user type, and wherein retrieving the workflow further comprises selecting the workflow from the plurality of workflows based on the requested certificate related action and the user type." Guheen does not disclose retrieving a workflow from a set of workflows for responding to a request for a certificate related action, e.g., enrollment, renewal, or revocation. Guheen also fails to disclose wherein the workflow corresponds to the certificate related action and a set of characteristics for a user. Rather, Guheen does not seem to describe certificate management other than to say that certificates can be managed. For at least these reasons, claims 1, 3-14, 16, 18-25, 27, and 29-36 are distinguishable from Guheen and should be allowed.

Claim 38, upon which claims 39-42 depend, claim 43, upon which claims 44-47 depend, and claim 48, upon which claims 49-52 depend, each recite in part "receiving a request for a certificate related action for a user; and retrieving a workflow for responding to said request from a set of workflows, wherein said workflow corresponds to said certificate related action and a set of characteristics for said user, wherein said set of workflows includes a plurality of workflows for responding to said certificate related action, wherein each workflow in said plurality of workflows corresponds to a different set of characteristics for a user, and wherein retrieving the workflow for responding to said request further comprises selecting the workflow from the plurality of workflows based on the requested certificate related action and a user type of the user." Guheen does not disclose retrieving a workflow from a set of workflows for responding to a request for a certificate related action. Guheen also fails to disclose wherein the workflow corresponds to the certificate related action and a set of characteristics for a user. Rather, Guheen does not seem to describe certificate management other than to say that certificates can be managed. For at least these reasons, claims 38-52 are distinguishable from Patel and should be allowed.

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Examining Group 2137

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

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Respectfully submitted,

/William J. Daley/
William J. Daley
Reg. No. 52,471

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000 (Denver office)
Fax: 303-571-4321 (Denver office)
WJD:jep

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